

ARTICLE 1

REFUSE COLLECTION AND DISPOSAL

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ARTICLE 1

REFUSE COLLECTION AND DISPOSAL

SEC. 5-1.000 DECLARATION OF POLICY. It is hereby declared to be in the public interest and in the interest of all the residents of the City of Hayward that the accumulation, preparation, storage, and disposal of wastes in the City of Hayward be handled in such a manner so as to prohibit the harboring and breeding of rodents and insects, to reduce pollution of the air caused by burning, fermentation, or purification of such materials, to prevent the spread of disease, to reduce the hazards of fire, and to prevent unsightliness resulting in the depreciation of property values and the comfortable enjoyment of life.

SEC. 5-1.001 DECLARATION OF PURPOSES AND OBJECT. The purposes and object of these regulations are to accomplish the foregoing results, and the provisions hereof shall be liberally construed to give full effect to the accomplishment of such purposes and object.

SEC. 5-1.010 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

SEC. 5-1.011 GARBAGE. Garbage means the putrescible animal, fish, fowl, fruit, or vegetable refuse, or any thereof, resulting from the preparation, storage, handling or consumption of foods.

SEC. 5-1.012 RUBBISH. Rubbish means all non-putrescible refuse.

SEC. 5-1.013 WASTE OR WASTE MATTER. Waste or waste matter means the useless, unused, unwanted, or discarded material resulting from normal community activities, or materials including animal and poultry manure, which by their presence may injuriously affect the health, safety, and comfort of persons and depreciate property values in the vicinity thereof.

SEC. 5-1.014 REFUSE. Refuse means all putrescible and non-putrescible solid or liquid wastes, except sewage, whether combustible or non-combustible.

SEC. 5-1.015 INDUSTRIAL WASTE. Industrial waste means all liquid or solid waste substances, except sewage, from any producing, manufacturing, or processing business operation.

SEC. 5-1.016 COMMERCIAL GARBAGE. Commercial garbage means garbage collected or saved for purposes of hog or animal feeding, or commercial reduction for fats, tallow, or fertilizer, by canneries, packing houses or sheds, markets, hotels, butcher shops, hospitals, and similar institutions and establishments where large quantities of salvable garbage are produced.

SEC. 5-1.017 REFUSE GARBAGE. Refuse garbage means all putrescible and non-putrescible solid and liquid wastes, (including manure and dead animals) resulting from the feeding of commercial garbage, and garbage, or either thereof, to hogs or other animals. Such material may or may not be salvable.

SEC. 5-1.018 REFUSE COLLECTOR. Refuse collector shall mean an agent or

employee of the City of Hayward or any person, firm or corporation with whom the City of Hayward shall have duly contracted to collect and transport refuse through the streets, alleys, or public ways of said City.

SEC. 5-1.020 DUMP. Dump shall mean the premises or site where the disposal of any waste, refuse, garbage, rubbish, industrial waste, commercial garbage, or refuse garbage, not produced on such premises or site is permitted or occurs.

SEC. 5-1.023 CONTAMINATION. Contamination means an impairment of the quality of the waters of the State by sewage, refuse garbage, or industrial waste to a degree which creates an actual hazard to public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of sewage, refuse garbage, or industrial waste, whether or not waters of the State are affected.

SEC. 5-1.024 POLLUTION. Pollution means an impairment of the quality of the waters of the State by sewage, refuse garbage, or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational, or other beneficial use.

SEC. 5-1.025 FIRE HAZARD. Fire hazard shall mean any condition which increases or may cause to increase in that degree of danger from fire over that customarily recognized as normal by persons in the public service of preventing or extinguishing fire. It shall also mean any condition or any act which may obstruct, delay, or hinder, or may become the cause of an obstruction, a delay, or a hindrance to the prevention, suppression, or extinguishment of fire.

SEC. 5-1.026 HEALTH OFFICER. Health Officer means the Health Officer of the County of Alameda.

SEC. 5-1.027 DWELLING. 'Dwelling' as used in this Article means and includes a residence, flat, apartment, or facility used for housing one or more persons.

SEC. 5-1.028 SINGLE-UNIT DWELLING. Each 'single-unit dwelling' as used in this Article, means premises used for or designated as a single-family residential dwelling: each part of a (a) condominium project; (b) duplex; (c) townhouse project; or (d) mobile home park, in all cases and in which there is separate or individual garbage service.

SEC. 5-1.030 HAZARDOUS WASTE. Hazardous waste shall mean any waste now or hereafter classified as hazardous pursuant to applicable federal, state, or local law.

REFUSE COLLECTION

SEC. 5-1.100 REFUSE COLLECTION REQUIRED. Each and every premise occupied for residential, business, commercial or industrial uses shall have refuse service as herein specified, and a charge shall be collected as per schedule of rates hereinafter provided.

SEC. 5-1.110 REFUSE COLLECTION REQUIRED. EXCEPTIONS. Refuse collection shall not be required in the following situations, to-wit:

- a. For premises which are lawfully occupied and used for a dump or refuse disposal site.

- b. Lawn and garden trimmings and dead leaves removed from a site by the owner or occupant of the premises, or by a gardening, landscaping, or tree trimming contractor, as an incidental part of total service offered by that contractor rather than as a hauling service.
- c. Demolition debris which constitutes used construction materials removed from a site during the razing or renovation of a structure by the owner or occupant of the premises, or by the contractor performing such demolition services as an incidental part of the total service offered by that contractor rather than as a hauling service.
- d. Non-putrescible salvageable materials separated on site by the waste generator for collection and transportation by junk collectors, youth, civic, and charitable organizations but not as a hauling service. 'Separated on site' shall mean the segregation into separate containers by the waste generator, prior to delivery, of individual components of the refuse, such as glass bottles, cans, newspapers, and corrugated containers, for the purpose of recycling.
- e. Nonresidential occupancies where all refuse produced or originating thereon is regularly disposed of at intervals of not greater than one week in accordance with the provisions of this Article and all other applicable laws and regulations therefor by removal to a fully licensed dump or refuse disposal site by the owner or occupier of said premises, or a member of the immediate family of such person, or an employee of such person; provided, however, such disposal by removal shall be in a manner as not to be offensive or filthy in relation to person, place, building, premises, or highway or street. Nothing contained in this subsection shall permit or allow any person to act as a refuse collector or to haul refuse for profit or compensation in contravention of the provisions of this Article.
- f. Residential premises where the person in possession or control thereof establishes to the satisfaction of the City that no garbage is produced or accumulated in, upon, or from such property or that all garbage produced or accumulated in, upon, or from such premises is disposed of by means of a permitted garbage disposal device. Such exemption shall be revoked upon a determination by the City that the factual basis for such exemption no longer exists.
- g. For hazardous waste.

SEC. 5-1.111 OWNER RESPONSIBLE FOR REFUSE COLLECTION SERVICE.

The owner of any occupied dwelling shall subscribe to and pay for refuse collection service rendered or made available to said dwelling by the City's refuse collector. Nothing in this section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which subscription, or payments for refuse collection service, or both subscription and payment for such service is made by a tenant, tenants, or any agent on behalf of the owner. However, any such arrangement will not effect the owner's obligation should such subscription or payments not be made.

SEC. 5-1.112 FAILURE TO INITIATE SERVICE OR TO PROVIDE SUFFICIENT REFUSE CONTAINERS. By October 16, 1987, for dwelling units occupied on and before October 1, 1987, and within fifteen (15) days of occupancy for dwellings occupied thereafter, the owner shall start refuse collection service or establish that the occupant is entitled to an exemption.

When additional refuse containers are required, they shall be provided by the owner. Additional refuse containers shall meet the requirements set forth in this Article.

If the City is advised that service has not been initiated as provided for herein, or in its judgment determines that additional service is necessary, it may give the owner written notification that such service is required. If the required service is not initiated within fifteen (15) days from the date of mailing of the City's notice, the City may require the collector to initiate and continue that refuse service for said dwelling.

SEC. 5-1.120 REFUSE DUMPING PROHIBITED. Except as otherwise provided herein, no person shall dump, place, or bury in any public land, street, alley, or place, or in any water or waterway, within the City of Hayward, any garbage, trash, rubbish, manure, waste matter, or other refuse.

SEC. 5-1.121 USE OF PUBLIC REFUSE RECEPTACLES. It shall be unlawful for any person to place or cause to be placed in any refuse receptacle owned by the City of Hayward and located upon any public street or public place any waste matter originating within or upon any private property, provided, however, that pedestrians or other persons using the said street or public place shall be permitted to deposit in said receptacle miscellaneous small articles of waste matter carried by them.

SEC. 5-1.130 BURNING OF REFUSE. No refuse shall be burned within the City of Hayward unless such burning complies with the City of Hayward regulations.

SEC. 5-1.150 REFUSE CONTAINERS. Every person in possession, charge or control of any premise occupied for residential, business, commercial or industrial uses shall provide or cause to be provided and at all times keep or cause to be kept, suitable and sufficient watertight cans or receptacles with tight fitting covers adequate to contain without leakage or escape of odors, the amount of garbage and waste matter ordinarily accumulating at such place during the intervals between collections made hereunder and which such cans or receptacles in the case of residential uses shall be of the standard, thirty-two (32) gallon capacity or other containers authorized by the City's collector and provided for within the City's schedule of rates for refuse service. Such cans or containers shall be kept in a sanitary condition by the owners thereof and the covers shall not be removed except for the purpose of placing refuse therein or removing refuse therefrom, and shall at all times be secure against access of flies to the contents thereof.

Persons occupying separate residential units shall plainly mark their receptacles so that the ownership thereof will be known.

SEC. 5-1.160 CONTAINER. PUBLIC PLACES. No refuse receptacle other than such as may be owned by the City of Hayward and no refuse whatsoever shall be placed or kept on or in any public street, sidewalk, footpath, or any public place whatsoever, but shall be placed on the premises so as to be readily accessible for removing and emptying by the refuse collector.

SEC. 5-1.170 GARBAGE. SEPARATION. Every person in possession, charge or control of any premise occupied for residential, business, commercial or industrial purposes where garbage is produced in quantities of thirty (30) gallons or over per day shall keep such garbage free of all glass, coffee grounds, or other substances which would render it unfit for consumption by animals.

SEC. 5-1.180 CONTAINERS. BUILDING CONSTRUCTION. Every contractor or builder engaged in the erection or repair of a building or structure shall provide a receptacle at or near such building or structure being so erected or repaired, within which box or receptacle shall be deposited any refuse desired to be removed by persons engaged in such work of erection or repair.

SEC. 5-1.190 AUTOMOBILE BODIES, OTHER BULKY OBJECTS. All automobile bodies or other bulky objects shall be broken up by the possessor in a manner satisfactory to the City Manager or duly authorized representative before being put out for collection.

SEC. 5-1.200 COLLECTION OF REFUSE. TIME AND MANNER. The City Manager may make such regulations concerning the number and manner of collections of refuse as he may deem necessary to carry out the provisions of this Article, but in no case shall collection services less than once a week be permitted.

The time of collection shall be between the hours of 5 o'clock a.m. and 6 o'clock p.m. in the residential districts, and between 5 o'clock a.m. and 9 o'clock a.m. in all other districts.

SEC. 5-1.210 REMOVAL OF REFUSE. All refuse collected in the City of Hayward shall be hauled in all-steel, watertight bodied motor trucks, and taken to the dump in such a manner as not to be offensive or filthy in relation to any person, place, building, premises or highway. The truck bodies shall be constructed of iron of sufficient strength to withstand fire within, without endangering adjacent property. Said bodies shall be washed at least once each week and painted once each year and otherwise appear as neat as possible under the circumstances. Each truck shall be equipped with a tarpaulin or other suitable covering which shall be drawn over the load as completed to full depth. All refuse in the truck shall be completely covered between points of collection and disposal.

The name of the refuse collector shall appear on the side of the trucks in letters not smaller than six (6) inches high, together with the address and phone number of the same. There shall also be an identifying number on each truck.

SEC. 5-1.230 COLLECTED REFUSE. All refuse once collected shall become the property of the refuse collector to dispose of in such a place and manner that shall not be a nuisance to the inhabitants nearby nor objectionable to the City, and that shall be in full conformance to laws and regulations of the State of California and any local governmental agency or body or political subdivision having jurisdiction over the place and manner of said disposal.

SEC. 5-1.240 MINIMUM SERVICE AND PAYMENT REQUIREMENTS. For the availability of collection removal and disposal of refuse services tendered by the City's refuse collector, there shall be a minimum monthly charge for each and every occupied single-unit dwelling as hereafter set forth from time to time by resolution of the City Council after the holding of a public hearing therefor preceded by written notice as provided in Section 5-1.252.

SEC. 5-1.250 MAXIMUM RATES TO BE CHARGED.

- a. For the collection, removal and disposal of all refuse there shall be a maximum flat monthly charge based upon one collection per week of a thirty-two (32) gallon can of refuse for each and every occupied single family residential unit as follows:

One can	\$ 6.00
Two cans	9.95
Three cans	13.90
Four cans	17.85
Each additional can	3.95

- b. For the collection, removal and disposal of all refuse in excess of one collection per

week, there shall be a flat maximum monthly charge based upon a thirty-two (32) gallon can of refuse for each and every occupied single family residential unit, determined by multiplying the number of collections made per week times the rate set forth in subparagraph (a) above for the number of cans collected at each collection.

- c. With respect to multiple dwelling units containing five (5) or more single family residential units, where the owner of the multiple dwelling unit pays the service charge directly to the collector for all single family units therein, and collection is made from a central location on the premises, the collector shall from time to time establish a rate or rates for such collections, which rate shall be not more than the maximum rates prescribed for a single family residential unit.

If adequate access is available to allow the use of mobile front-end loaders or other mobile mechanical pickup, special container service of one or more cubic yards may be requested. The maximum rate shall be \$5.75 per cubic yard per pickup.

When requested, the term "multiple dwelling units" shall be considered to include mobile home parks, condominiums or cooperatives when the owner, homeowners association or other representative body is responsible for collection service and pays the service charge directly to the refuse collector for service within the boundaries or confines of the area and collection is made from one or more accessible locations on the premises.

- d. Commercial and Industrial Service: For the collection, removal and disposal of all refuse the maximum rates set forth in the subparagraphs a, b, and c shall apply.

For the removal of waste matter and rubbish as defined herein in a stationary packer which is defined as a closed container in which refuse (noncombustible dry garbage) is mechanically compressed, the maximum rate shall be \$11.50 per cubic yard.

- e. Extra Service: For a single removal of refuse in excess of thirty-two (32) gallons or four and twenty-five one-hundredths (4.25) cubic feet, if removed with a regular collection, \$1.35 per thirty-two (32) gallons, or a 4.25 cubic feet or fraction thereof, of such excess.
- f. Special Drop Box Service: For a single removal of large accumulation of refuse not in conjunction with a regular collection, the charge shall be at the maximum rate of \$5.75 per cubic yard.
- g. Special Materials: For the removal of wet cannery waste, and sludge, the maximum rate shall be \$10.20 per cubic yard for each removal. For purposes of this regulation, "wet cannery waste" shall mean the fresh fruit or vegetable waste resulting from the canning, freezing or other processing of fruits and vegetables.

The above schedule of rates and charges may be modified from time to time by resolution of the City Council after the holding of a public hearing thereon, preceded by written notice of such hearing to the collector and by publication of said notice in a newspaper of general circulation within the City. Said written notice and publication shall be made at least ten (10) days prior to the scheduled hearing date.

It shall be unlawful for the collector to demand or charge any amount greater than the schedule of rates and charges set forth herein or as hereafter approved by the City Council.

SEC. 5-1.251 RATES TO BE CHARGED - HARDSHIP. A subsidy may be paid by the City on behalf of a resident subscriber for refuse services for a single-unit dwelling on the basis of financial inability to pay. Criteria for entitlement to and the amount of the subsidy will be set forth from time to time by resolution of the City Council after the holding of a public hearing therefor preceded by written notice as provided in Section 5-1.250.

SEC. 5-1.260 REFUSE COLLECTION CONTRACT. For the exclusive privilege of collecting, removing and disposing of all refuse in and from the City of Hayward, and the collection of the rates therefor, as herein provided, a contract may be entered into by the City of Hayward under such terms and conditions as it deems necessary to protect the best interests of the City of Hayward.

The City may consider among other things, the type of equipment to be used, the amount of money offered, the responsibility and past experience of the contractor.

SEC. 5-1.270 AWARD OF CONTRACT. RIGHTS. An award of such contract shall confer upon the contractor the exclusive right, during the term of the contract, to collect, transport and dispose of refuse produced or accumulated within the City of Hayward, subject only to such exceptions as are specifically set forth in this Article; and all provisions of this Article applicable to the contractor shall constitute and be a part of any contract awarded hereunder.

It shall be unlawful for any person, other than the contractor or his assignee to collect or remove refuse in and from the City of Hayward except as herein provided.

REFUSE DISPOSAL

SEC. 5-1.300 REFUSE DISPOSAL. No person shall dump, deposit, or dispose of, or cause or permit the dumping, depositing or disposal of waste, garbage, rubbish, refuse, industrial waste, or commercial garbage, or any thereof, on any premises in the City of Hayward other than premises where disposal is authorized by a permit issued pursuant to the provisions of this Article; provided, however, that no such permit shall be necessary for the disposal of earth, rock, concrete, cement, gravel, sand, clay, loam, and other non-combustible inorganic refuse when used for purposes of land fill, if such material is not otherwise dangerous to health and safety, and such operations do not block or impede natural drainage channels, drain ditches, canals, or drainage outlets, or result in pollution or contamination of waters.

SEC. 5-1.310 PERMIT TO OPERATE DUMP REQUIRED. It shall be unlawful for any person to operate any premises or site as a dump in the City of Hayward without first having obtained a permit to do so in the manner hereinafter provided.

SEC. 5-1.315 APPLICATION TO EXISTING DUMP OPERATIONS. Dump operations which are in existence at the time these regulations take effect, whether operative or non-operative, shall not operate from and after one hundred eighty (180) days following the adoption of these regulations, unless, in the case of operative dumps, or before recommencement of operations in the case of inoperative dumps, a permit to operate a dump shall have been granted as provided herein.

Dump operations, whether operative or non-operative, which are located in territory hereafter annexed to the City of Hayward, shall not operate from and after one hundred eighty (180)

days following annexation to the City of Hayward, unless, in the case of operative dumps, or before recommencement of operations in the case of inoperative dumps, a permit to operate a dump shall have been granted as provided herein.

SEC. 5-1.320 APPLICATION FOR PERMIT. An application for a permit to operate a dump shall be in writing and filed with the Division of Permits and Licenses upon forms provided for said purpose. Said application shall be in triplicate and shall include the following information, unless otherwise directed.

An accurate plot plan, drawn to scale showing the exterior boundaries of the property on which the dump operation is proposed; the location of any springs or wells, whether capped or uncapped, and well logs if available; the location of contiguous waterways or drains; water table data including depth to highest known water table usable for domestic or industrial purposes and the source of such information; elevations and slopes indicated by contour lines; type of soil; existing and proposed building locations; intended points of ingress and egress; interior roads and ramps; location and type of fence; kinds of materials to be disposed of on the site; the name and address of applicant; its principal officers; the manager or other person in direct charge of operations; the proposed method of operation, including the location of cuts, type of equipment to be used, source and type of all cover material; water supply and sewage disposal; the method of fire control, to be approved in writing by the Fire Chief; and such other information pertaining to the proposed dump operation as may be required.

A copy of the application and all accompanying information shall be referred to the Health Officer for his review and recommendations.

SEC. 5-1.321 APPLICATION FEE. Each application for a permit to operate a dump shall be accompanied by a fee of \$50.00 to cover the cost of investigation required, no part of which is refundable.

SEC. 5-1.322 ACTION BY HEALTH OFFICER. The Health Officer shall make an investigation and inspection of the proposed dump site and of the facts set forth in the application to insure that the proposed dump site will be conducted in such a manner as to accomplish the objects and purpose of these regulations.

The Health Officer may recommend approval, conditional approval, or disapproval of said application on the basis of his investigations and findings.

Upon completion of the investigation, the Health Officer shall retain said application and all accompanying data and submit his recommendations thereon to the Division of Permits and Licenses.

SEC. 5-1.323 CONDITIONS ON PERMIT. In recommending the granting of a permit to operate a dump, the Health Officer may impose such conditions as are reasonably necessary to prevent the proposed operations from being conducted in such a manner as to constitute or create a nuisance or a menace to the health and safety of the area surrounding said site.

SEC. 5-1.324 ACTION ON APPLICATION. The Division of Permits and Licenses shall issue the permit in accordance with the recommendations of the Health Officer; provided, however, that no permit shall be issued unless and until the provisions of the Zoning Ordinance of the City of Hayward have been complied with.

Any permit issued contrary to the provisions hereof shall be null and void, and of no

force and effect.

SEC. 5-1.330 PERMIT CONSPICUOUSLY POSTED. The permit issued herein shall be continuously posted in a conspicuous place on the dump site concerned.

SEC. 5-1.340 REVOCATION OR SUSPENSION OF PERMITS. Any permit to operate a dump may be revoked or suspended by the Health Officer for the violation of any condition of the permit, the violation of any provision of this Article, or any other applicable law or ordinance, or the existence of any condition or the doing of any act constituting or creating a nuisance or endangering the health and safety of others.

Such revocation or suspension shall be made only after a hearing granted by said Officer, after at least five (5) days written notice to the permit holder, stating generally the grounds of complaint and the time and place where such hearing will be held. Notice shall be given by personal service, or by first class mail, postage prepaid, mailed to the permit holder at the address shown on said permit or to such other address as may be known by the Health Officer. A copy of such notice shall also be sent to the City Clerk.

At the conclusion of said hearing, and within thirty (30) days thereof, the Health Officer shall make his findings and notify in writing the permit holder, as well as the Division of Permits and Licenses of the action taken.

SEC. 5-1.341 APPEALS. Any person excepting to any denial of a permit to operate a dump, or to any condition imposed thereon, or to the revocation or suspension thereof, may appeal in writing to the City Council by filing with the City Clerk a written notice of such appeal, setting forth the specific grounds thereof.

Such notice must be filed within fourteen (14) days after notice of such action appealed from. The City Clerk shall thereupon set said matter for hearing before the Council and cause notice thereof to be given to appellant not less than five (5) days prior to such hearing. Notice shall be given in the form and manner provided heretofore for hearing by the Health Officer upon revocation or suspension of permit.

At such hearing the appellant shall show cause why the action excepted to should not be approved. Such hearing may, by the Council, be continued from time to time, and its findings on appeal shall be final and conclusive in the matter.

SEC. 5-1.345 CESSATION OF OPERATIONS. In the event the operation of any dump voluntarily ceases for a continuous period of more than one hundred eighty (180) days, then in that event the permit shall be null and void and the operation of said dump shall not be recommenced until a new permit is obtained as provided herein.

SEC. 5-1.350 DUMP OPERATION METHOD. The method of disposal used on any dump for the disposal of waste, garbage, rubbish, refuse, commercial garbage, refuse garbage, or industrial waste, except cannery waste, shall be the method commonly known as the "sanitary land fill" method by means of either one of the types of operation commonly known as the "fill and cover" or "cut and cover" type of operation, in which the dumped material is compacted and completely enclosed with a tight earth cover at the end of each day's operation in order to eliminate odors and prevent fires, rodent, and insect infestation.

The term "sanitary land fill" as used herein, is described and illustrated in "An Analysis of Refuse Collection and Sanitary Land Fill Disposal", Technical Bulletin No. 8, Series 37,

December, 1952, published by the Sanitary Engineering Project, University of California, Richmond, California, pages 68 through 90, and described in the "Report Upon the Collection and Disposal of Refuse in the County Sanitation Districts of Los Angeles County, California", prepared by A. M. Rawn, Chief Engineer and General Manager, dated October 1950, copies of which publications are on file in the office of the City Clerk of the City of Hayward.

SEC. 5-1.351 COMPACTION. Reasonable compaction of all material placed on the dump shall be continually effected by the use of bulldozers or other equipment, so as to properly eliminate voids.

A minimum of six inch seal shall be deposited and maintained over the top, sides, and face of the dumped material by the end of each day's operation, such seal to consist of loose soil or equivalent inorganic materials, well compacted, and free of any large boulders, broken concrete, plaster, or similar material which would provide entry or harborage within the fill for rodents and insects.

Provided, however, that if in the opinion of the Health Officer such minimum seal does not eliminate odors and prevent fires, rodent, and insect infestation, additional seal of well compacted inorganic material shall be placed upon the dumped material sufficient to eliminate odors and prevent fires and rodent and insect infestation. If the permittee questions the reasonableness of any order of the Health Officer requiring seal in addition to the minimum six inch seal, permittee may apply for a variance from said order in the manner hereinafter provided.

SEC. 5-1.352 AREA OF OPERATION. Each day's dumping operations shall be limited to an area in which the disposal operation can be completed by the end of such day's operation according to the provisions of this Article.

SEC. 5-1.353 OPEN FIRES OR BURNING PROHIBITED. No open fires or burning of any type shall be permitted at the dump site. Any and all comfort heating devices maintained on the premises shall be approved by the Fire Chief.

SEC. 5-1.354 SUPERVISION. A representative of the permittee shall be present during dumping and covering operations to control and supervise the activities.

SEC. 5-1.355 TOILET FACILITIES. Toilet facilities shall be provided and properly maintained on the premises. A portable, chemical type toilet, or approved sanitary privy may be used in lieu of a water flushing type toilet.

SEC. 5-1.356 FENCING. The property shall be enclosed with an approved and suitable type fence in order to prevent blowing of rubbish off property and unregulated or unauthorized dumping. Such fence shall be properly maintained at all times, and its gates shall be kept closed and locked during hours when the dump is not open for business.

SEC. 5-1.357 REMOVAL OF SALVAGE MATERIAL. Salvaged material shall be removed from the premises weekly or stored in such a manner as to prevent rodent harborage or breeding of insects, or to constitute a fire hazard. The residue from salvage operations shall be placed in the current dumping area.

SEC. 5-1.358 TREATMENT FOR DUST. Suitable methods shall be used to minimize dust in the dumping area and on all unsurfaced roadways in use.

SEC. 5-1.359 BUILDINGS ON SITE. Sheds and other buildings shall be

constructed in such a manner as to prevent rodent harborage and so as not to constitute a fire hazard.

SEC. 5-1.360 INSPECTION. Inspection of the premises shall be made by the permittee or operator at least once a week for rodent burrows, droppings, or other evidence of rodents, and evidence of insect breeding. Any infestation shall be effectively controlled by the proper use of poisons, gas, traps, or insecticidal sprays, as necessary.

SEC. 5-1.361 WATER SUPPLY AND DRAINAGE CONTROL. Water and equipment for fire fighting purposes shall meet the minimum requirements as specified in writing by the Fire Chief.

An approved sanitary drinking water supply shall be provided on the site.

All surface waters shall be diverted so as to prevent percolation through any of the dumped material or erosion of the filled and covered sections of the dump. This diversion may be accomplished by placing a berm or levee around the dump area, taking all precautions necessary to assure that any waters diverted by said berm or levee shall be guided to proper storm drain facilities, or as so ordered.

Dumping operations shall be kept a distance of at least 50 feet from the official edge of any watercourse, drain, or proposed drainage channel.

SEC. 5-1.362 PROTECTION OF WATER TABLE. No excavation for dumping operations shall be made to a depth greater than two feet above the highest known water table usable or used for domestic or industrial purposes. Any existing excavations intended or proposed to be used for dumping operations and extending to or into a used or usable water table shall be backfilled to a minimum of two feet above said water table with clean earth or sand and well compacted.

SEC. 5-1.365 CANNERY WASTE DISPOSAL. The method or methods utilized for disposal of cannery waste shall be the sanitary land fill method described in this Article where such cannery wastes can be satisfactorily disposed of along with other garbage and refuse. Such cannery wastes which by their nature cannot be satisfactorily disposed of by such method shall be disposed of by such other method or methods as may be approved by the Health Officer. If the licensee questions the reasonableness of any order of the Health Officer regarding the methods to be employed in the disposal of cannery waste, permittee may apply for a variance from said order in the manner hereinafter provided.

SEC. 5-1.380 VARIANCES. If the City Council finds that compliance with the conditions imposed on a permit, or the requirements of this Article or any of its provisions relating to the disposal of waste, refuse, garbage, rubbish, industrial waste, commercial garbage, or refuse garbage will result in an arbitrary or unreasonable taking of property or in the practical elimination of any lawful business, occupation, or activity, in either case without a sufficient corresponding benefit or advantage to the people in the improvement or protection of the public health, safety, or general welfare, it shall prescribe other and different requirements of not more onerous application; provided, however, that no variance may permit or authorize the maintenance of a nuisance or any unnecessary and injurious method of operation.

SEC. 5-1.381 VARIANCE PROCEDURES. The procedures required for obtaining a variance shall be the same procedure prescribed herein for appeals to Council from the revocation or suspension of permits.

SEC. 5-1.382 DISCRETION BY CITY COUNCIL. In determining under what

conditions and to what extent a variance is necessary and will be permitted, the City Council shall obtain a report and recommendation thereon from the Health Officer, and shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the City and to any lawful business, occupation, or activity involved resulting from requiring compliance with said requirements or resulting from the granting of a variance.

SEC. 5-1.383 REVOCATION OR MODIFICATION OF VARIANCE. The City Council, upon the request of the Health Officer, or upon its own motion, may revoke or modify by written order, after a public hearing held upon not less than ten (10) days notice, any order permitting a variance. The City Council shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than ten (10) days prior to such hearing, by personal service, or by first class mail, postage prepaid, mailed to the person to whom such variance was granted, at the address shown in the application for such variance or to such other address as may be known by the City Clerk.